

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MAXIMILLIAN SALAZAR III,
Plaintiff,

-vs-

MONACO ENTERPRISES, INC.; and
GENE MONACO and MARTI MONACO,
Husband and wife and the marital
community thereof; and ROGER
BARNO and NOELLE BARNO, Husband
and wife and the marital
community thereof; and STRATEGIC
ADVANTAGE, LLC; and STEVE CESARE
and JANE DOE CESARE, Husband and
wife and the marital community
thereof,

Defendants.

NO. CV-12-0186-LRS

**ORDER OF SPECIAL DISCOVERY
MASTER RE DISCOVERY MOTIONS**

BEFORE THE COURT and Special Discovery Master, the Honorable James Gavin, are several discovery motions noted without oral argument, which are herein ruled upon. Accordingly,

IT IS HEREBY ORDERED:

1. Defendants' Motion to Strike Portions of Declaration of William A. Gilbert in Support of Plaintiff's Response to Defendants' Motion for Protection Order re Plaintiff's Proposed F.R.C.P. 30(B)(6) Deposition of Monaco Enterprises, Inc., **ECF No. 60**, is **GRANTED** in part and **DENIED** in part. The motion to strike is granted insofar as the declaration and

1 affidavit contain hearsay.

2 2. Plaintiff's Motions to Compel, **ECF Nos. 21, 51, 55, and 90** are
3 **GRANTED** in part and **DENIED** in part. Plaintiff's request to depose a
4 speaking agent of Monaco Enterprises, Inc. pursuant to F.R.C.P. 30(B)(6)
5 is granted. Plaintiff's request for leave to serve additional
6 interrogatories is granted with limitations. While Fed.R.Civ.P. 33(a)(1)
7 limits interrogatories to 25, "including all discrete subparts", the
8 court can authorize an increase consistent with Fed.R.Civ.P. 26(b)(2).
9 Plaintiff is allowed a total of 40 interrogatories, including "all
10 discrete subparts." This includes those already served which, from
11 Plaintiff's second motion to compel, appears to be 30 (the motion
12 identifies two 27s at pages 25 and 26). Requests for production related
13 to the 40 are approved, however, all objections to requests for
14 production and interrogatories related to the *McGillen vs. Monanco* case
15 are granted.

16 In an effort to provide some guidance to the parties regarding
17 interrogatories and requests for production, interrogatories Nos. 29 and
18 30 and accompanying requests for production are examples of overbroad and
19 objectionable discovery requests.

20 3. Defendant's Motion to Quash Third-Party Subpoena (served to Dunn
21 & Black, P.S. re: *McGillen vs. Monaco Spokane* suit), **ECF No. 78**, is
22 granted.

23 4. Defendant's Motion for Protective Order Preventing the
24 Depositions of Noelle Barno and Richard Barno, **ECF No. 43**, is **GRANTED** in
25 part and **DENIED** in part. The motion is granted as to Richard Barno. The
26 motion is denied as to Noelle Barno. Plaintiff's request that the court

1 censure defendants and consider monetary sanctions is respectfully
2 denied.

3 5. Plaintiff's *Ex Parte* Motions, **ECF Nos. 33 and 68**, are **STRICKEN**
4 as improperly filed *ex parte*.

5 6. Plaintiff's Motion to Continue the Scheduling Order and Trial
6 Date, **ECF No. 19**, is **DENIED as MOOT**, in light of the Amended Scheduling
7 Order (ECF No. 84) entered on April 10, 2013.

8 7. Plaintiff's Motion for Leave to File Over-Length Brief, **ECF No.**
9 **70**, is **GRANTED**.

10 8. Plaintiff's Motion to Expedite, **ECF No. 72**, is **GRANTED**.

11 9. Pursuant to the Order Appointing Special Discovery Master (ECF
12 No. 140), the undersigned Special Master in this case is authorized to
13 enter this order pursuant to Local Rule 37.1(f) and Federal Rules of
14 Civil Procedure 53.

15 10. The rulings of the Special Master are subject to the district
16 court's review. See Fed.R.Civ.P. 53(f).

17
18 **IT IS SO ORDERED.** The District Court Executive is directed to enter
19 this Order and furnish copies to counsel AND to the Honorable James Gavin
20 via email.

21 **DATED** this 24th day of December, 2013.

22 /s/ James Gavin

23 _____
The Honorable James Gavin
24 SPECIAL DISCOVERY MASTER
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